

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LISA J. SCHAFER,

Plaintiff,

v.

ALLIED INTERSTATE LLC, et al.,

Defendants.

---

Case No. 1:17-cv-233

HON. JANET T. NEFF

**ORDER**

Plaintiff filed this case pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.*, alleging that Defendants, in attempting to collect a time-barred debt from Plaintiff, violated the Act by (1) failing to indicate that Plaintiff could not be sued on the debt due to the age of the debt; and (2) failing to inform her that a partial payment or a promise to pay would restart the statute of limitations (Compl. ¶¶ 38-39, ECF No. 1 at PageID.6). In February 2018, this Court issued an Opinion and Order denying Defendants' motion to dismiss (ECF No. 36). Now pending before the Court are Plaintiff's Pre-Motion Conference Requests, proposing to file a motion for class certification (ECF No. 96) and a motion for summary judgment (ECF No. 98). Defendants filed responses to Plaintiff's requests (ECF Nos. 100 & 101). Defendants also filed a request to move for summary judgment in their favor (ECF No. 104), to which Plaintiff filed a response (ECF No. 106). Having considered the parties' submissions and being familiar with the case circumstances, the Court will, in its discretion, permit briefing on the dispositive questions before turning to the topic of class certification. Accordingly:

**IT IS HEREBY ORDERED** that the parties shall proceed with briefing their requests for summary judgment (ECF Nos. 98 & 104) in accordance with the following schedule:

- (1) Plaintiff's Motion and Brief, shall be served and a proof of service filed not later than January 2, 2019;
- (2) Defendants' Response, including any request for Summary Judgment in their favor, FED. R. CIV. P. 56(f)(1), shall be served and a proof of service filed within 28 days of service of Plaintiff's Motion;
- (3) Plaintiff's Reply shall be served and a proof of service filed within 14 days of service of Defendants' Response;
- (4) Defendants' Sur-Reply, if any, shall be served and a proof of service filed within 14 days of service of the Reply; and
- (5) The parties shall electronically file their respective motion papers as soon as the motion is fully briefed.

**IT IS FURTHER ORDERED** that the parties shall collaborate and file a Joint Statement of Material Facts in conjunction with the motion, setting forth in numbered paragraphs, separate, short and concise statements of the material facts that are not in dispute. The Joint Statement shall be filed as a separate document on CM/ECF.

**IT IS FURTHER ORDERED** that the parties shall collaborate and file a Joint Exhibit Book to avoid duplicative exhibits.

**IT IS FURTHER ORDERED** that the parties shall otherwise adhere to the requirements for briefing and filing dispositive motions, as set forth in Judge Neff's Information and Guidelines for Civil Practice, available on the Court's website ([www.miwd.uscourts.gov](http://www.miwd.uscourts.gov)).

**IT IS FURTHER ORDERED** that the parties shall adhere to this Court's February 9, 2016 Administrative Order No. 16-MS0-017 when referencing a page of the record.

**IT IS FURTHER ORDERED** that a briefing schedule on Plaintiff's proposed motion for class certification (ECF No. 96) is DENIED WITHOUT PREJUDICE to re-filing at a later date.

Dated: December 3, 2018

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge